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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/414,121

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EXAMINER

ALVAREZ, RAQUEL

ART UNIT

PAPER NUMBER

3688

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SCOTT A. STEELE and WILLIAM P. ALBERTH, JR.

Application 09/414,121
Technology Center 3600

Mailed: January 21, 2009

Before HARRY HORTON, *Discipline Team Paralegal*.

HORTON, *Discipline Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 15, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

AMENDMENT AFTER FINAL

A review of the file indicates that on January 19, 2005, Appellants filed an Amendment After-Final in response to the Final Rejection mailed January 14, 2005. It is not clear whether this Amendment has been considered because box 11 of an Advisory Action mailed February 28, 2005 fails to indicate whether or not the proposed amendment will or will not be entered for purposes of appeal. Clarification from the Examiner is required.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on May 14, 2007. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 C.F.R. § 41.43(a)(1) and MPEP § 1208, part II.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) to appropriately respond to the Amendment After-Final by completing box number 11 on a corrected Advisory Action;
 - 2) to mail out a corrected Advisory Action and have made of record in the instant IFW application;
 - 3) to consider the Reply Brief filed May 14, 2007 as indicated above;
- and
- 4) for such further action as may be appropriate.

Application No. 09/414,121

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

hh

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